UNITES STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

OCT - 2 2011

Ref: EPR-N

Bronson Smart
State Conservation Engineer
Natural Resources Conservation Service
125 South State Street, Room 4402
Salt Lake City, UT 84138-1100

Re: Notice of Availability of the Final EIS for the Logan Northern Canal Reconstruction Project, Cache County, Utah; CEQ # 20110282

Dear Mr. Smart:

The U.S. Environmental Protection Agency, Region 8 (EPA) has reviewed the Utah Office of the Natural Resources Conservation Service's (NRCS-Utah's) Final Environmental Impact Statement (EIS) for the Logan Northern Canal Reconstruction Project (LNCRP). Our comments are provided to you pursuant to our authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

Delivery of irrigation water to a portion of the Logan Northern (LN) Canal service area was disrupted after a landslide which breached the canal in July 2009. The Final EIS evaluates five action alternatives and a no action alternative. The action alternatives represent different canal alignment options for reconstruction of the LN Canal and utilization of the Logan-Hyde Park-Smithfield (LHPS) Canal to restore the delivery of irrigation water. Restoration of the canal will entail replacing the largely unlined, open canals with enclosed box culverts or pipelines. The Final EIS identifies the Purple alternative as the preferred alternative. Overall, the Final EIS is well organized and evaluates each alternative with a similar level of detail and effort.

The EPA appreciates inclusion of the approved total maximum daily load (TMDL) for the Middle Bear River Watershed/Cutler Reservoir which includes an allocation for the Logan River. The Final EIS concludes that because there are no net depletions to the Logan River watershed, the project will not affect attainment of the total maximum daily load (TMDL) established for the Middle Bear River watershed and Cutler Reservoir. The Final EIS does not detail how it concluded that no net depletions will occur. Reductions to groundwater seepage could reduce streamflow and the associated assimilative capacity within the Logan River. However, if less water is diverted from the Logan River as a result of reduced loss seepage from the canals, there may be no net losses. It would have been helpful to understand the information and analyses that support the conclusion that there will be no net depletions.

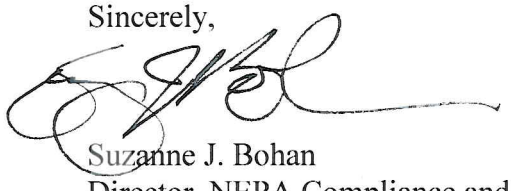
The Final EIS does not include analysis to support full evaluation of the Clean Water Act 404(b)(1) guidelines, which will be required if the project receives an individual permit, but it does note some impacts to waters of the U.S. We understand that a Section 404 permit application has not yet been submitted to the U.S. Army Corps of Engineers. The Final EIS describes a jurisdictional wetland located along the 1500 North alignment and avoidance measures that will be taken to protect the wetland and its hydrology (table 5-8). We recommend this avoidance measure be incorporated into the Record of Decision (ROD) for this project. The Final EIS also describes impacts to aquatic resources which include the elimination of riparian vegetation located along the LHPS Canal between the golf course and Lundstrom Park and at the LHPS point of diversion (POD, the elimination of aquatic habitat within the canals, and the reduction of flow in the stretch of the Logan River affected by the project which could impact aquatic organisms and habitat. No mitigation has been proposed for these impacts. The EPA recommends mitigation for all direct and indirect impacts to aquatic resources associated with waters of the U.S. consistent with Section 404 of the Clean Water Act.

The EPA continues to recommend exploration and documentation of whether a minimum instream flow requirement could benefit the Logan River below the USFS boundary. The USFS is expected to require a minimum instream flow requirement of an initial five cubic feet per second (cfs) for the portion of the Logan River that runs through USFS land, from the LHPS Canal point of diversion (POD) to the USFS boundary. The goal of this instream flow requirement is to replace the flow lost in the Logan River to reduced seepage from enclosure of the canals. A similar measure could also benefit the portion of the Logan River between the USFS boundary and the LN Canal POD. This stretch will experience loss in flow due to reduced groundwater seepage and an additional loss of flow loss due to the upstream shift in diversion of LN Canal water. It appears that groundwater seepage from the canals plays an important role in sustaining flows in the Logan River during critical periods of the irrigation season and throughout the year. Ensuring that the minimum instream flow required by the USFS will remain in the river beyond the USFS boundary could offset project impacts to the Logan River below the boundary.

As it pertains to our Draft EIS comments on environmental justice, the EPA supports use of language assistance for non-English speakers when Cache County pursues temporary and construction easements as described on p. 12-126 of the Response to Comments section of the Final EIS. We recommend this measure and the mechanism by which it will be determined whether it is necessary be reflected in the Record of Decision.

We appreciate the opportunity to review and comment on this Final EIS. If we may provide further explanation of our comments, please contact me at 303-312-6925, or Maggie Pierce at 303-312-6550.

Sincerely,



Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation